

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RANDY MACARIO ANCHETA,

Defendant.

Case No. 3:12-cr-00015-HDM-WGC

ORDER

On June 29, 2018, the court denied the defendant's motion to vacate pursuant to 28 U.S.C. § 2255. (ECF No. 142). The court denied the motion on the merits and denied a certificate of appealability. The Ninth Circuit also denied a certificate of appealability. (ECF No. 160).

While the defendant's request for a certificate of appealability was pending before the Ninth Circuit, he filed with this court a "renewed" motion to vacate pursuant to 28 U.S.C. § 2255, seeking to preserve the filing deadline in the event the government or any court found his prior § 2255 motion to be untimely. (ECF No. 157).

The defendant's § 2255 motion was disposed of by this court on the merits, and the Ninth Circuit declined to issue a certificate of appealability with respect to the court's ruling. There is therefore no basis for consideration of the defendant's "renewed" § 2255 motion. Accordingly, the renewed motion for § 2255 relief (ECF No. 157) is hereby DENIED.

1 The associated civil case, 3:20-cv-00384-HDM, shall
2 accordingly be CLOSED.

3 IT IS SO ORDERED.

4 DATED: This 11th day of January, 2021.

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7 UNITED STATES DISTRICT JUDGE